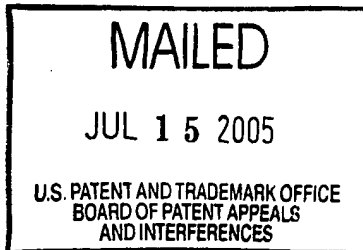


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAANAN LIEBERMANN

Application 09/603,247

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

A review of the record indicates that in the Final Rejection mailed January 27, 2004, the following rejections were made:

1. Claims 33-45 are rejected under 35 U.S.C. 251 . . . ; and
2. Claims 34, 37, 45 are rejected under 35 U.S.C. 103(a)

However, on pages 3 through 8 of the Examiner's Answer mailed November 16, 2004 under the caption "Grounds of Rejection," the examiner lists the following rejections:

1. Claim 33 is rejected under 35 USC 251 . . . ;
2. Claims 33, 35-36, 38, 40, 42-44 are rejected under 35 USC 102(b) as being anticipated by Sakiyama et al. (US 5,659,764);¹ and
3. Claims 34, 37 and 45 are rejected under 35 USC 103(a) . . . ;
4. Claim 41 is rejected under 35 U.S.C. 103(a) [This was a new ground of rejection.]

It should also be noted that on pages 2 and 3 of the Answer under the caption "Grounds of Rejection to be Reviewed on Appeal," the examiner states:

1. Claims 33-35 are rejected under 35 USC 251 . . . ; and
2. Claims 33, 35-36, 38, 40, 42-44 are rejected under 35 USC 102(b).

¹It should be noted that a 35 U.S.C. § 102(e) rejection of these claims was included in the Non-Final Rejection mailed August 12, 2003, but was not repeated in the Final Rejection mailed January 27, 2004.

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Accordingly, it is

ORDERED that the application is returned to the
examiner:

1. for clarification regarding the claims involved in
the 35 U.S.C. 251 rejection;
2. for clarification regarding the status of the § 102
rejection of claims 33, 35-36, 38, 40, and 42-44 as being
anticipated by Sakiyama and, if applicable, whether the § 102
rejection is under § 102(b) or § 102(e);
3. for notification to appellant regarding the
examiner's determinations; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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